

Cases Materials And Text On National Supranational And International Non Discrimination Law Ius Commune Casebooks For The Common Law Of Europe

Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Denis Tallon, Stefan Vogenauer

Cases, Materials and Text on National, Supranational and International Non-Discrimination Law Dagmar Schiek, Lisa Waddington, Mark Bell, Tufyal Choudhury, Olivier De Schutter, Janneke Gerards, Aileen McColgan KC, Gay Moon, 2007-08-31 This casebook, the result of the collaborative efforts of a panel of experts from various EU Member States, is the latest in the Ius Commune Casebook series developed at the Universities of Maastricht and Leuven. The book provides a comprehensive and skilfully designed resource for students, practitioners, researchers, public officials, NGOs, consumer organisations and the judiciary. In common with earlier books in the series, this casebook presents cases and other materials (legislative materials, international and European materials, excerpts from books or articles). As non-discrimination law is a comparatively new subject, the chapters search for and develop the concepts of discrimination law on the basis of a wide variety of young and often still emerging case law and legislation. The result is a comprehensive textbook with materials from a wide variety of EU Member States. The book is entirely in English (i.e. materials are translated where not available in English). At the end of each chapter a comparative overview ties the material together, with emphasis, where appropriate, on existing or emerging general principles in the legal systems within Europe. The book illustrates the distinct relationship between international, European and national legislation in the field of non-discrimination law. It covers the grounds of discrimination addressed in the Racial Equality and Employment Equality Directives, as well as non-discrimination law relating to gender. In so doing, it covers the law of a large number of EU Member States, alongside some international comparisons. The Ius Commune Casebook on Non-Discrimination Law - provides practitioners with ready access to primary and secondary legal material needed to assist them in crafting test case strategies. - provides the judiciary with the tools needed to respond sensitively to such cases. - provides material for teaching non-discrimination law to law and other students. - provides a basis for ongoing research on non-discrimination law. - provides an up-to-date overview of the implementation of the Directives and of the state of the law. This Casebook is the result of a project which has been

supported by a grant from the European Commission's Anti-Discrimination Programme. See the detailed website for this book: www.casebooks.eu/nonDiscrimination/.

National, Supranational and International Tort Law Walter Van Gerven, Jeremy Lever, Chairman of the Study Group for a European Civil Code at the European Legal Studies Institute Christian Von Bar, Pierre Larouche, 1998-03 This is the first book in a new series Casebooks for the Common Law of Europe. It is a prototype for the series which will be published during the next 2 years and which will include books on tort law, contract, judicial review and company law. In general the series seeks to contribute to the wider search for common general principles within the emerging common law of Europe. The books have been developed for use throughout Europe and are aimed at all legal education programmes whose purpose is to instil a comparative or European perspective, either as a complement to or as an integral part of national law. The casebooks analyse the various European legal systems, concentrating primarily on the laws of the EU/EEA member states, but including also the legal orders of the EU and ECHR. The focus is largely on English, French and German law, since they are representative of the main legal traditions within Europe. Materials from other legal systems are included when they present an original approach. The materials themselves are selected from cases, legislation, international materials, draft model principles, restatements and excerpts from books and articles. The series is published in English only.

Contract Law Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Denis Tallon, Stefan Vogenauer, 2010-11-09 This is the second edition of the widely acclaimed and successful casebook on Contract in the Ius Commune Series, developed to be used throughout Europe and aimed at those who teach, learn or practise law with a comparative or European perspective. The book contains leading cases, legislation and other materials from the legal traditions within Europe, with a focus on English, French and German law as the main representatives of those traditions. The book contains the basic texts and contrasting cases as well as extracts from the various international restatements (the Vienna Sales Convention, the UNIDROIT Principles of International Commercial Contracts, the Principles of European Contract Law, the Draft Common Frame of Reference and so on). Materials are chosen and ordered so as to foster comparative study, and complemented with annotations and comparative overviews prepared by a multinational team. The whole Casebook is in English. The principal subjects covered in this book include: General (including the distinctions between Contract and Property, Tort and Restitution) ; Formation; Validity; Interpretation and Contents; Remedies; Supervening Events; and Third Parties. Please click on the link below to visit the series website: www.casebooks.eu/contractLaw.

Cases, Materials and Text on Property Law Sjeff van Erp, Bram Akkermans, 2012-07-23 This casebook presents a deep comparative analysis of property law systems in Europe (ie the law of immovables, movables and claims), offering signposts and stepping stones for the reader wishing to explore this fascinating area. The subject matter is explained with careful attention given to its history, foundations, thought-patterns, underlying principles and basic concepts. The casebook focuses

on uncovering differences and similarities between Europe's major legal systems: French, German, Dutch and English law are examined, while Austrian and Belgian law are also touched upon. The book combines excerpts from primary source materials (case law and legislation) and from doctrine and soft law. In doing so it presents a faithful picture of the systems concerned. Separate chapters deal with the various types of property rights, their creation, transfer and destruction, with security rights (such as mortgages, pledges, retention of title) as well as with harmonising and unifying efforts at the EU and global level. Through the functional approach taken by the *Ius Commune Casebooks* this volume clearly demonstrates that traditional comparative insights no longer hold. The law of property used to be regarded as a product of historical developments and political ideology, which were considered to be almost set in stone and assumed to render any substantial form of harmonisation or approximation very unlikely. Even experienced comparative lawyers considered the divide between common law and civil law to be so deep that no common ground - so it was thought - could be found. However economic integration, in particular integration of financial markets and freedom of establishment, has led to the integration of particular areas of property law such as mortgage law and enforceable security instruments (eg retention of title). This pressure towards integration has led comparative lawyers to refocus their interest from contract, tort and unjustified enrichment to property law and delve beneath its surface. This book reveals that today property law systems are closer to one another than previously assumed, that common ground can be found and that differences can be analysed in a new light to enable comparison and further the development of property law in Europe.

Applying International and European Anti-Discrimination Law to the Housing Context Juan Carlos Benito Sanchez, 2023-10-05 This is the first study of anti-discrimination law as it applies to housing law in Europe. It offers an important perspective in a field dominated by employment law studies, while drawing on concepts significant in that field as well. Legislative discussion looks at EU law, the European Convention on Human Rights, the European Social Charter and related case law. The book goes further to examine United Nations human rights instruments and related practice of UN committees. This unique focus allows for a fuller understanding of anti-discrimination law's implications, potential, and challenges.

Paradigms in Modern European Comparative Law Balázs Fekete, 2021-04-22 This book uses the philosophy of Thomas Kuhn to provide a new vision of the development of European comparative law that will challenge and inspire scholars in the field. With the 'empathic' use of some ideas from Kuhn's theories on the history of science - paradigm, paradigm-shift, puzzle-solving research and incommensurability - the book rethinks the modern history of European comparative law from the late 19th century to the modern day. It argues that three major paradigms determine modern comparative law: - historical and comparative jurisprudence, - *droit comparé*, and - post-World War II comparative law. It concludes that contemporary methodological trends are not signs of a paradigm-shift toward a postmodern and culturalist understanding of comparative

law, but that the new approach spreads the idea of methodological plurality.

Cases, Materials and Texts on Unjustified Enrichment Jack Beatson, E. J. H. Schrage, Barry Nicholas, 2003-06-30 The casebook contains excerpts from legal commentaries, leading cases and legislation from the main legal traditions in Europe and beyond.

Cases, Materials and Text on European Law and Private Law Arthur Hartkamp, Carla Sieburgh, Wouter Devroe, 2017-03-09 This Casebook deals with the horizontal effects of EU law, which is to say its effects on relationships between individuals. To a large extent, these effects have been created by the Court of Justice of the European Union (CJEU) on the basis of the European Treaties. The main focus of the Casebook is on the developments relating to primary EU law and their influence on national private law. It studies instances where EU primary law has already directly or indirectly influenced the case law in the Member States, or where it is expected to do so soon. Compared to the well-known impact of EU directives on private law, these developments concerning primary EU law are hardly noted by private lawyers and perhaps not sufficiently explained by scholars of EU law. Therefore the book makes an important contribution to scholarship and education. This book highlights developments in the areas of competition law, fundamental freedoms, non-discrimination, general principles of EU law, ex officio application of provisions of EU law and implementation of directives, including harmonious interpretation and Francovich liability. In its analysis of the ways in which EU law interacts with private law, the book will be an invaluable resource to students, practitioners and academics of EU private law.

Cases, Materials and Text on Contract Law Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Stefan Vogenauer, 2019-02-28 This is the third edition of the widely acclaimed and successful casebook on contract in the Ius Commune series, developed to be used throughout Europe and beyond by anyone who teaches, learns or practises law with a comparative or European perspective. The book contains leading cases, legislation and other materials from English, French and German law as the main representatives of the legal traditions within Europe, as well as EU legislation and case law and extracts from the Principles of European Contract Law. Comparisons are also made to other international restatements such as the Vienna Sales Convention, the UNIDROIT Principles of International Commercial Contracts, the Draft Common Frame of Reference and so on. Materials are chosen and ordered so as to foster comparative study, complemented with annotations and comparative overviews prepared by a multinational team. The third edition includes many new developments at the EU level (including the ill-fated proposal for a Common European Sales Law and further developments linked to the digital single market) and in national laws, in particular the major reform of the French Code civil in 2016 and 2018, the UK's Consumer Rights Act 2015 and new cases. The principal subjects covered in this book include: An overview of EU legislation and of soft law principles, and their interrelation with national law The distinctions between contract and property, tort and restitution Formation and pre-contractual liability Validity, including duties of disclosure Interpretation and contents; performance and

non-performance Remedies Supervening events Third parties.

The Europeanisation of Contract Law Christian Twigg-Flesner,2013-04-12 Critical yet accessible, this book provides an overview of the current debates about the 'Europeanization' of contract law. Charting the extent to which English contract law has been subject to this activity, it is the ideal volume for readers unfamiliar with the subject who wish to understand the main issues quickly. It examines a range of key developments, including: a string of directives adopted by the European Union that touch on various aspects of consumer law recent plans for a European Common Frame of Reference on European Contract Law. Bringing together advanced legal scholarship, critically examining key developments in the field and considering the arguments for and against greater convergence in the area of contract law, this is an excellent read for postgraduate students studying contract and/or European law.

Pink Tax and the Law Alara Efsun Yazıcıoğlu,2018-09-10 The emergence of the terms 'pink tax' and 'tampon tax' in everyday language suggests that women, who already suffer from an economic disadvantage due to the gender wage gap, are put in an even more detrimental position by means of 'discriminatory consumption taxes'. This book is the first conducting a legal analysis to establish to what extent this public perception is accurate. Does the practice of 'pink tax' effectively amount to a tax in the legal sense? Does the so-called 'tampon tax' genuinely constitute an anomaly within the general consumption tax system? Most importantly, can these two 'taxes' be legally qualified as discriminatory? This book provides scientific answers to these questions. It first cuts through the existent information clutter by elucidating the pertinent economic, sociological and psychological components of the practices referred to as 'pink tax' and 'tampon tax'. It then proceeds with a thorough legal analysis of all relevant aspects to determine whether women are indeed subject to discriminatory consumption taxes. It is well-established that women earn less than men. This book investigates if they simultaneously pay more due to 'discriminatory consumption taxes'.

Cases, Materials and Text on Judicial Review of Administrative Action Chris Backes,Mariolina Eliantonio,2019-08-08 This casebook studies the law governing judicial review of administrative action. It examines the foundations and the organisation of judicial review, the types of administrative action, and corresponding kinds of review and access to court. Significant attention is also devoted to the conduct of the court proceedings, the grounds for review, and the standard of review and the remedies available in judicial review cases. The relevant rules and case law of Germany, England and Wales, France and the Netherlands are analysed and compared. The similarities and differences between the legal systems are highlighted. The impact of the jurisprudence of the European Court of Human Rights is considered, as well as the influence of EU legislative initiatives and the case law of the Court of Justice of the European Union, in the legal systems examined. Furthermore, the system of judicial review of administrative action before the European courts is studied and compared to that of the national legal systems. During the last decade, the growing influence of EU law on national procedural law has been increasingly

recognised. However, the way in which national systems of judicial review address the requirements imposed by EU law differs substantially. The casebook compares the primary sources (legislation, case law etc) of the legal systems covered, and explores their differences and similarities: this examination reveals to what extent a *ius commune* of judicial review of administrative action is developing.

Intersectionality and Human Rights Law Shreya Atrey, Peter Dunne, 2020-12-10 This collection of essays analyses how diversity in human identity and disadvantage affects the articulation, realisation, violation and enforcement of human rights. The question arises from the realisation that people, who are severally and severely disadvantaged because of their race, religion, gender, age, disability, sexual orientation, class etc, often find themselves at the margins of human rights; their condition seldom improved and sometimes even worsened by the rights discourse. How does one make sense of this relationship between the complexity of people's disadvantage and violation of their human rights? Does the human rights discourse, based on its universal and common values, have tools, methods or theories to capture and respond to the difference in people's lived experience of rights? Can intersectionality help in that quest? This book seeks to inaugurate this line of inquiry.

The Concept of Group Rights in International Law Corsin Bisaz, 2012-08-28 The Concept of Group Rights in International Law offers a critical appraisal of the concept of group rights in international law on the basis of an extensive survey of existing group rights in contemporary international law. Among some of its findings is the observation that an ideological way of arguing about this legal category is widespread among scholars as well as practitioners; it sees this ideological framing as one of the main reasons why international law has so far been very reluctant to provide group rights and to call them by their name. Accordingly, the book re-evaluates the concept based on the experience with existing group rights in international law and pleads for a more pragmatic approach. Despite limitations with the concept, the overall thesis is that there is a role for group rights as a pragmatic tool allowing for a principled approach to substate groups through international law. Such an approach could turn group rights into an arguably minor, but nevertheless, highly relevant legal category of international law.

The Internationalization of Law and Legal Education Jan Klabbers, Mortimer Sellers, 2009-01-29 The internationalization of commerce and contemporary life has led to a globalization of legal standards and practices. The essays in this text explore this new reality and suggest ways in which the new legal order can be made more just and effective.

Complex Equality and the Court of Justice of the European Union Richard Lang, 2018-07-17 The equality jurisprudence of the Court of Justice of the European Union has long drawn criticism for its almost total reliance on Aristotle's doctrine that likes should be treated like, and unlikes unlike. As has often been shown, this is a blunt tool,

entrenching assumptions and promoting difference-blindness: the symptoms of simplicity. In this book, Richard Lang proposes that the EU's judges complement the Aristotelian test with a new one based on Michael Walzer's theory of Complex Equality, and illustrates how analysing allegedly discriminatory acts, not in terms of comparisons of the actors involved, but rather in terms of distributions and meanings of goods, would enable them to reach decisions with new dexterity and to resolve conflicts without sacrificing diversity.

Disability in International Human Rights Law Gauthier de Beco, 2021-08-12 This book examines what international human rights law has gained from the new elements in the UN Convention on the Rights of Persons with Disabilities (CRPD). It explores how the CRPD is intricately bound up with other international instruments by studying the relationship between the Convention rights and those protected by other human rights treaties, as well as the overall objectives of the UN. Using a social model lens on disability, the book shows how the Convention sheds new light on the very notion of human rights. The book provides a theoretical framework which explicitly integrates disability into international human rights law. It explains how the CRPD challenges the legal subject by drawing attention to distinct forms of embodiment, before introducing the idea of the 'dis-abled subject', which stems from a recognition that all individuals encounter disability-related issues during their lives. The book also shows how to apply this theoretical framework to several rights and highlights the consequences for the implementation of human rights treaties as a whole. It builds upon the literature of disability studies and legal and political theory, as well as drawing upon the recommendations of treaty bodies and reports of UN agencies and disabled people's organisations. This book thereby provides an agenda-setting analysis for all human rights experts, by showing the benefits of placing disabled people at the heart of international human rights law.

Ableism at Work Paul David Harpur, 2019-12-19 The UN Convention on the Rights of Persons with Disabilities promotes ability equality, but this is not experienced in national laws. *Ableism at Work: Disability and Hierarchies of Impairment* is a comprehensive comparative legal, practical and theoretical analysis of workplace inequalities experienced by workers with psychosocial disabilities.

Eurolegalism R. Daniel Kelemen, 2011-04-01 Despite western Europe's traditional disdain for the United States' adversarial legalism, the European Union is shifting toward a very similar approach to the law, according to Daniel Kelemen. Coining the term eurolegalism to describe the hybrid that is now developing in Europe, he shows how the political and organizational realities of the EU make this shift inevitable. The model of regulatory law that had long predominated in western Europe was more informal and cooperative than its American counterpart. It relied less on lawyers, courts, and private enforcement, and more on opaque networks of bureaucrats and other interests that developed and implemented regulatory policies in concert. European regulators chose flexible, informal means of achieving their objectives, and counted on the courts to challenge their decisions only rarely. Regulation through litigation-central to the U.S. model-was largely

absent in Europe. But that changed with the advent of the European Union. Kelemen argues that the EU's fragmented institutional structure and the priority it has put on market integration have generated political incentives and functional pressures that have moved EU policymakers to enact detailed, transparent, judicially enforceable rules—often framed as rights—and back them with public enforcement litigation as well as enhanced opportunities for private litigation by individuals, interest groups, and firms.

Intersex Rights Nikoletta Pikramenou, 2019-09-25 This book addresses intersex rights violations and analyses intersex people's legal demands as expressed by intersex activists themselves and delivered through statements and reports issued by intersex rights organisations, the United Nations and the Council of Europe. Intersex people are born with sex characteristics that do not fit typical notions of male or female bodies, as a result of which they are stigmatised, marginalised and denied the recognition of their fundamental rights. Often, they are subjected to involuntary and harmful sex “normalising” surgeries at birth, which violate their bodily integrity, self-determination and informed consent, so as to comply with societal and legal norms. Moreover, binary legal frameworks prevent them from enjoying the rights to access identification documents, start a family, or be free from discrimination in all areas including employment and sports. To elaborate on intersex violations that emanate from binary laws, this book examines the situation of intersex rights in regional jurisdictions worldwide and within the European Union in particular. In the process, it identifies current legal barriers and suggests how intersex people could be accommodated under legal frameworks and achieve sex/gender equality beyond binary definitions.

Unveiling the Magic of Words: A Report on "**Cases Materials And Text On National Supranational And International Non Discrimination Law Ius Commune Casebooks For The Common Law Of Europe** "

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Cases Materials And Text On National Supranational And International Non Discrimination Law Ius Commune Casebooks For The Common Law Of Europe** ," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve to the book's central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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